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No. 84-707

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In the Supreme Court of the United States

OCTOBER TERM, 1984

WILLIE J. DUNN, PETITIONER

v.

UNITED STATES OF AMERICA

*ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT*

A
**MEMORANDUM FOR THE UNITED STATES
IN OPPOSITION**

REX E. LEE

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The court of appeals in this civil income tax case dismissed petitioner's appeal for lack of jurisdiction on July 3, 1984 (Pet. App. A). Petitioner did not obtain an extension of time within which to file a petition for a writ of certiorari. The time for filing a petition accordingly expired on October 1, 1984, a Monday. 28 U.S.C. 2101(c). The petition was not filed until October 2, 1984. The petition, which was filed pro se, was not accompanied by a notarized statement by a member of the Bar of this Court stating that the mailing took place on a particular date within the permitted time. See this Court's Rule 28.2. The time limit provided by

(1)

Section 2101(c) is jurisdictional. *Department of Banking v. Pink*, 317 U.S. 264 (1942). It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

REX E. LEE
Solicitor General

NOVEMBER 1984

